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7           IN THE UNITED STATES DISTRICT COURT  
8           FOR THE DISTRICT OF ARIZONA

9           IN RE BARD IVC FILTERS PRODUCTS  
10          LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

11          **SECOND AMENDED MASTER  
12          SHORT FORM COMPLAINT FOR  
              DAMAGES FOR INDIVIDUAL  
              CLAIMS AND DEMAND FOR JURY  
              TRIAL**

13  
14          Plaintiff(s) named below, for their Complaint against Defendants named below,  
15 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).  
16 Plaintiff(s) further show the Court as follows:

17          1. Plaintiff/Deceased Party:

18                   Betty Brown

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19          2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of

20                   consortium claim:

21                   N/A

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22          3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,

23                   conservator):

24                   N/A

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25          4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence

26                   at the time of implant:

27                   Ohio

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5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

## Michigan

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:  
Michigan

7. District Court and Division in which venue would be proper absent direct filing:

## Ohio Northern District Court

8. Defendants (check Defendants against whom Complaint is made):

- C. R. Bard Inc.
- Bard Peripheral Vascular, Inc.

#### **9. Basis of Jurisdiction:**

Diversity of Citizenship  
 Other: \_\_\_\_\_

a. Other allegations:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- Recovery® Vena Cava Filter
- G2® Vena Cava Filter
- G2® Express Vena Cava Filter
- G2® X Vena Cava Filter
- Eclipse® Vena Cava Filter
- Meridian® Vena Cava Filter

 Denali® Vena Cava Filter

Other: \_\_\_\_\_

11. Date of Implantation as to each product:

January 12, 2016

**12. Counts in the Master Complaint brought by Plaintiff(s):**

 Count I: Strict Products Liability – Manufacturing Defect

Count II: Strict Products Liability – Information Defect (Failure to Warn)

 Count III: Strict Products Liability – Design Defect

 Count IV: Negligence - Design

Count V: Negligence - Manufacture

 Count VI: Negligence – Failure to Recall/Retrofit

Count VII: Negligence – Failure to Warn

Count VIII: Negligent Misrepresentation

 Count IX: Negligence *Per Se*

## Count X: Breach of Express Warranty

Count XI: Breach of Implied Warranty

 Count XII: Fraudulent Misrepresentation

 Count XIII: Fraudulent Concealment

Count XIV: Violations of Applicable Ohio

## state) Law Prohibiting Con-

Deceptive Trade Practices

Count XV: Loss of Consortium

## Count XVI: Wrongful Death

## Count XVII: Survival

### Punitive Damages

Other(s): \_\_\_\_\_ (please state the facts supporting this Count in the space immediately below)

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13. Jury Trial demanded for all issues so triable?

Yes

No

RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of May 2019.

By: /s/ Melissa Fry Hague  
Melissa Fry Hague, Esq.  
**Goldman Scarlato & Penny, P.C.**  
8 Tower Bridge, Suite 1025  
161 Washington Street  
Conshohocken, PA 19428

I hereby certify that on this 9th day of May, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Melissa Fry Hague